IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3473 of 2004

Between:

1 S.S.R.Markatavalli W/o.Ch.Swamy, R/o.D.No.10-3-90 Vivekananda Veedhi, Bapatla, Guntur District
2 Annavarapu V.S.R.K.Kumar,S/o.Nagabhushanam R/o.10-3-88, Old Annavarapuvari Street, Bapatla, Guntur
District.

..... PETITIONERS

AND

1 The Regional Joint Director of School Education' 12/1. Arundelpet, Guntur, Guntur District.
2 The District educational officer, Guntur District, Guntur
3 A.V.V.High School, Bapatla, Guntur District, rep.by its Secretary and Correspondent.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the respondents in proceeding with the selection of staff to the 3rd respondent institution vide employment announcement dt.30.1.2004 without appointing Head Master to the 3rd respondent institution and without making the Head Master as member of the staff selection committee as illegal, arbitrary, violative of G.O.Ms.No.1, Education(PS-II) Department dated 1-1-1994 and the order in W.P.No.13858/2001 and vitiated by other illegalities pointed out in the affidavit and it is further consequentially prayed that this Hon'ble court may be pleased to hold that the petitioners are eligible and entitled to be considered for the respective posts and to direct the respondents to see that the applications of the petitioners for their respective posts pursuant to the Notification dt.30.1.2004 are duly received and considered by not restricting the upper age limit of 36 years for selection to the said post and by duly altering the roster point and appoint them if they are found meritorious in the selection, by duly allowing them to participate in the selection processing.

Counsel for the Petitioner:MR.S.R.SANKU

Counsel for the Respondent No.1 and 2: GP FOR EDUCATION

The Court made the following :

ORDER:

1. This writ petition is filed to declare the action of the respondents in proceeding with the selection of staff to the 3rd respondent institution vide employment announcement dated 30-1-2004 without appointing Head Master to the 3rd respondent institution and without making the Head Master a member of the staff selection committee as illegal, arbitrary and violative of G.O.Ms.No.1, Education (P.S.-II), dated 1-1-1994 and consequently direct the respondents that the petitioners are eligible and entitled to be considered for the respective posts and to direct the respondents to see that the applications of the petitioners for their respective posts pursuant to the notification dated 30-1-2004 are duly received and considered by not restricting the upper age limit of 36 years for selection to the said post.

2. Heard the learned counsel for the petitioners and the learned Government Pleader on behalf of the respondents.

3. The learned counsel for the petitioners contended that he is not pressing the first prayer in view of the fact that the acting Head Master can also be appointed in the Selection Committee.

4. Now the grievance of the petitioners as pointed out by the learned counsel for the petitioners is that even though the petitioners crossed the age of 36 years, their case may be considered in accordance with the Rules and Regulations. Therefore, a direction may be given to that effect.

5. The learned Government Pleader also submits that the case of the petitioners will be considered in accordance with the Rules and Regulations.

5. In para 12 of the counter-affidavit filed by the Regional Joint Director of School Education, Guntur it is stated that as per the latest orders issued by the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad in Procs. Rc.No.99/B2-3/2004-1, dated 28-2-2004, the application of the petitioners can be considered by the Respondent No.3, even though they crossed the age of 36 years.

6. Therefore, the Respondent No.3 is directed to consider the case of the petitioners, If they are eligible and suitable otherwise, in accordance with the Rules.

7. Accordingly, the writ petition is allowed. No order as to costs.

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Justice K.C.Bhanu,

14th July, 2005

KM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Thursday the fourteenth day of July, two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Joint Director of School Education' 12/1. Arundelpet, Guntur, Guntur District.
2 The District Educational Officer, Guntur District, Guntur
3 The Secretary and Correspondent.,A.V.V.High School, Bapatla, Guntur District,

4. 2 CCs to G.P. for Education, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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14th JULY, 2005